UNITED STATES PATENT AND TRADEMARK OFFICE

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10/827,496	04/19/2004	Aurobinda Pradhan	13906-192001 / 2004P00032	3466

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FISH & RICHARDSON, P.C.			

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/827,496	Applicant(s) PRADHAN ET AL.
	Examiner Omar Abdul-Ali	Art Unit 2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

The following action is in response to the response filed July 17, 2007. Amended

Claims 1-36 are pending and have been considered below.

1. Examiner's Note: The 35 U.S.C 101 rejections have been withdrawn as

necessitated by Applicant's amendments.

2. Examiner's Note: The 35 U.S.C. 112 rejections have been withdrawn as

necessitated by Applicant's amendments.

3. Examiner's Note: The prior art rejections have been withdrawn as necessitated by

Applicant's amendments.

Claim Rejections - 35 USC § 103

4. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farry

et al. (US 6,069,628) in view of Kitami (US 5,668,962) and further in view of England

(US 6,144,991).

Claims 1 and 9: Farry discloses a method and system for selectable commands for

displaying user interface panels, comprising:

a. displaying a selected panel on a graphical user interface (column 2, lines 15-

27);

b. receiving while the selected panel is being displayed, a first user input to create a user selectable command for displaying the selected panel, the user selectable command thereafter being associated with a menu such that the menu contains the user-selectable command when displayed (column 2, lines 15-27/Figure 8D). Specifically, Farry discloses creating key shortcuts (user selectable command) for application programs, and displaying windows(panels) for a particular application program in response to entry of the first key representation. Farry also discloses a menu that includes the user selectable commands to present application programs.

Farry does not explicitly disclose receiving a second user input upon a first selection of the user-selectable command in the menu, the second user input requesting that the selected panel be displayed. Kitami discloses a similar system for selectable commands for displaying user interface panels that further discloses loading windows through selection from a menu on the display (column 4, lines 10-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive a second user input upon a first selection of the user selectable command in the menu, the second user input requesting that the selected panel be displayed in Farry. One would have been motivated to receive a second user input upon a first selection of the user selectable command in order to easily manage the windows for multiple applications in Farry.

Neither reference explicitly discloses the user selectable command ceases to be associated with the menu in response to receipt of the second user input such that the menu does not include the user-selectable command when displayed. However, Farry

discloses changing window identifiers, including a delete command (column 13, lines24-40/figure 8A) and <u>Kitami</u> discloses deleting the identifier of a relevant window from a window identifier list when the user selects a deletion mode (column 4, lines 59-67). <u>England</u> discloses a similar system and method for selectable commands that further discloses selecting a menu item and deleting that menu item upon presentation of the item (column 22, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to delete an identifier of an item after automatically deleting that selected item. It would have been obvious to one having ordinary skill in the art to combine this teaching with the teaching of <u>Farry</u> modified by <u>Kitami</u> in order to remove a user selectable command from a menu upon display of an interface panel or application window. One would have been motivated to provide this limitation in order to preserve screen real estate.

Claim 2: <u>Farry</u>, <u>Kitami</u>, and <u>England</u> disclose a method and system for selectable commands for displaying user interface panels as in Claim 1 above, and <u>Farry</u> further discloses the menu is not continuously displayed on the graphical user interface, and wherein a user can cause the menu to be displayed by selecting an input control for the menu (column 8, lines 44-47).

Claim 3: <u>Farry</u>, <u>Kitami</u>, and <u>England</u> disclose a method and system for selectable commands for displaying user interface panels as in Claim 2 above. While neither reference explicitly disclosed the user selectable command ceasing to be associated

with the menu is noticeable to the user at a first time the menu is displayed after the

second user input is received, it would have been obvious to one having skill in the art

at the time the invention was made to do so. One would have been motivated to make

the user selectable command visible at a first time the menu is displayed after the

second user input is received in order to enable the user to view the command that

corresponds to the desired panel.

Claim 4: Farry, Kitami, and England disclose a method and system for selectable

commands for displaying user interface panels as in Claim 1 above. While neither

reference explicitly disclosed the application program is being executed when the first

user input is received and thereafter closed before the second user input is received, it

would have been obvious to one having ordinary skill in the art at the time the invention

was made to do so. Additionally, no patentable weight is given to the order in which the

application programs are closed. One would have been motivated to close the

application program before the second user input is received to free screen space.

Claims 5 and 10: Farry, Kitami, and England disclose a method and system for

selectable commands for displaying user interface panels as in Claims 1 and 9 above,

and Farry further discloses a plurality of user selectable commands is associated with

the menu such that the menu contains the plurality of user-selectable commands when

displayed (column 12, lines 49-58).

Claims 6 and 11: Farry, Kitami, and England disclose a method and system for

selectable commands for displaying user interface panels as in Claims 5 and 10 above,

and Farry further discloses at least two of the plurality of user selectable commands are

associated with panels that belong to different application programs (column 2, lines 15-

27).

Claims 7 and 12: Farry, Kitami, and England disclose a method and system for

selectable commands for displaying user interface panels as in Claims 5 and 10 above,

and England further discloses at least one of the plurality of user selectable commands

ceases to be associated with the menu in response to a predetermined event other that

user deletion (column 22, lines 35-45: the identifier is automatically deleted by the

system). It would have been obvious to one having ordinary skill in the art at the time

the invention was made to delete an identifier of an item after automatically deleting that

selected item. One would have been motivated to cause the user selectable commands

to provide this limitation to preserve screen real estate.

Claims 8 and 13: Farry, Kitami, and England disclose a method and system for

selectable commands for displaying user interface panels as in Claims 5 and 10 above.

While neither reference explicitly disclosed at least one of the plurality of user-selectable

commands does not cease to be associated with the menu upon user selection, such

that the menu continues to contain the at least one of the plurality of user-selectable

commands when displayed also after the user selection it would have been obvious to

one having ordinary skill in the art at the time the invention was made to do so. One

would have been motivated to include this feature in order to enable the user to keep

track of the selectable commands associated with specific panels of interest.

Claims 14 and 32: Farry discloses a method and system for selectable commands for

displaying user interface panels further comprising creating key shortcuts (user

selectable command) for application programs, and displaying windows(panels) for a

particular application program in response to entry of the first key representation

(column 2, lines 15-27/Figure 8D). Farry also discloses a menu that includes the user

selectable commands to present application programs.

Farry does not explicitly disclose the user selectable command in the menu

ceases to be associated with the menu in response to receipt of a user input indicating

a first selection of the created user-selectable command requesting that the selected

panel be displayed, the association ceased such that the menu doe not contain the

user-selectable command when displayed. However, Farry discloses changing window

identifiers, including a delete command (column 13, lines24-40/figure 8A) and Kitami

discloses deleting the identifier of a relevant window from a window identifier list when

the user selects a deletion mode (column 4, lines 59-67). England discloses a similar

system and method for selectable commands that further discloses selecting a menu

item and deleting that menu item upon presentation of the item (column 22, lines 35-

45). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to delete an identifier of an item after automatically deleting that

selected item. It would have been obvious to one having ordinary skill in the art to combine this teaching with the teaching of <u>Farry</u> modified by <u>Kitami</u> in order to remove a user selectable command from a menu upon display of an interface panel or application window. One would have been motivated to provide this limitation in order to preserve screen real estate.

Claims 15 and 33: <u>Farry</u>, <u>Kitami</u>, and <u>England</u> disclose a method and system for selectable commands for displaying user interface panels as in Claims 14 and 32 above, and <u>Farry</u> further discloses a plurality of user selectable commands is displayed in the menu, the plurality of user-selectable commands associated with the menu such that the menu contains the plurality of user-selectable commands when displayed (column 12, lines 49-58).

Claims 16 and 34: <u>Farry</u>, <u>Kitami</u>, and <u>England</u> disclose a method and system for selectable commands for displaying user interface panels as in Claims 15 and 33 above, and <u>Farry</u> further discloses at least two of the plurality of user selectable commands are associated with panels that belong to different application programs (column 2, lines 15-27).

Claims 17 and 35: <u>Farry</u>, <u>Kitami</u>, and <u>England</u> disclose a method and system for selectable commands for displaying user interface panels as in Claims 15 and 33 above and <u>England</u> further discloses at least one of the plurality of user selectable commands

ceases to be associated with the menu in response to a predetermined event other that

user deletion (column 22, lines 35-45: the identifier is automatically deleted by the

system). It would have been obvious to one having ordinary skill in the art at the time

the invention was made to delete an identifier of an item after automatically deleting that

selected item. One would have been motivated to cause the user selectable commands

to provide this limitation to preserve screen real estate.

Claim 18: Farry, Kitami, and England disclose a method and system for selectable

commands for displaying user interface panels as in Claim 15 above. While neither

reference explicitly disclosed at least one of the plurality of user-selectable commands

does not cease to be associated with the menu upon user selection, such that the menu

continues to contain the at least one of the plurality of user-selectable commands when

displayed also after the user selection it would have been obvious to one having

ordinary skill in the art at the time the invention was made to do so. One would have

been motivated to include this feature in order to enable the user to keep track of the

selectable commands associated with specific panels of interest.

Claims 19 and 27: Farry discloses a method and system for selectable commands for

displaying user interface panels comprising:

	a. displaying a selected panel on a graphical user interface (column 2, lines 15-

27);

b. receiving while the selected panel is being displayed, a first user input to create a user selectable command for displaying the selected panel, the user selectable command thereafter being associated with a menu such that the menu contains the user-selectable command when displayed (column 2, lines 15-27/Figure 8D). Specifically, Farry discloses creating key shortcuts (user selectable command) for application programs, and displaying windows(panels) for a particular application program in response to entry of the first key representation. Farry also discloses a menu that includes the user selectable commands to present application programs.

Neither reference explicitly discloses ceasing the association of the user selectable command with the menu in response to a predetermined event other that a user deleting the user-selectable command, such that the menu when displayed does not contain the user-selectable command. However, Farry discloses changing window identifiers, including a delete command (column 13, lines 24-40/figure 8A) and Kitami discloses deleting the identifier of a relevant window from a window identifier list when the user selects a deletion mode (column 4, lines 59-67). England discloses a similar system and method for selectable commands that further discloses selecting a menu item and automatically deleting that menu item upon presentation of the item (column 22, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to delete an identifier of an item after automatically deleting that selected item. The automatic deletion of the item is viewed as an event other than the user deleting the command since it is performed by the system. It would have been obvious to one having ordinary skill in the art to combine this teaching with

the teaching of Farry modified by Kitami in order to remove a user selectable command

from a menu upon display of an interface panel or application window. One would have

been motivated to provide this limitation in order to preserve screen real estate.

Claim 20: Farry, Kitami, and England disclose a method and system for selectable

commands for displaying user interface panels as in Claim 19 above, and Farry further

discloses the menu is not continuously displayed on the graphical user interface, and

wherein a user can cause the menu to be displayed by selecting an input control for the

menu (column 8, lines 44-47).

Claim 21: Farry, Kitami, and England disclose a method and system for selectable

commands for displaying user interface panels as in Claim 20 above. While neither

reference explicitly disclosed the user selectable command ceasing to be displayed in

the menu is noticeable to the user at a first time the menu is displayed after the second

user input is received, it would have been obvious to one having skill in the art at the

time the invention was made to do so. One would have been motivated to make the

user selectable command visible at a first time the menu is displayed after the second

user input is received in order to enable the user to view the command that corresponds

to the desired panel.

Claim 22: Farry, Kitami, and England disclose a method and system for selectable

commands for displaying user interface panels as in Claim 19 above. While neither

reference explicitly disclosed the application program is being executed when the first user input is received and thereafter closed before the second user input is received, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. Additionally, no patentable weight is given to the order in which the application programs are closed. One would have been motivated to close the application program before the second user input is received to free screen space.

Claims 23 and 28: Farry, Kitami, and England disclose a method and system for selectable commands for displaying user interface panels as in Claims 1 and 9 above, and Farry further discloses a plurality of user selectable commands is displayed in the menu, the plurality of user-selectable commands associated with the menu such that the menu contains the plurality of user-selectable commands when displayed (column 12, lines 49-58).

Claims 24 and 29: Farry, Kitami, and England disclose a method and system for selectable commands for displaying user interface panels as in Claims 15 and 33 above, and Farry further discloses at least two of the plurality of user selectable commands are associated with panels that belong to different application programs (column 2, lines 15-27).

Claims 25 and 30: Farry, Kitami, and England disclose a method and system for selectable commands for displaying user interface panels as in Claims 23 and 28

above. While neither reference explicitly disclosed at least one of the plurality of user-selectable commands does not cease to be associated with the menu upon user selection, such that the menu continues to contain the at least one of the plurality of user-selectable commands when displayed also after the user selection it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to include this feature in order to enable the user to keep track of the selectable commands associated with specific panels of interest.

Claims 26, 31, and 36: Farry, Kitami, and England disclose a method and system for selectable commands for displaying user interface panels as in Claims 19, 27, and 32 above, and England further discloses the predetermined event is one selected from the group consisting of: user selection of the user selectable command, passage of a predetermined amount of time, an application program to which the selected panel belongs being closed, a computer system to which the graphical user interface belongs being shut down, a predetermined number of user-selectable commands being included in the menu after the user-selectable command is created, and combinations thereof (column 22, lines 35-45). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to It would have been obvious to one having ordinary skill in the art to combine this teaching with the teaching of Farry modified by Kitami in order to remove a user selectable command from a menu upon display of an interface panel or application window. One

would have been motivated to designate the predetermined event as an event selected

from the previously mentioned group for design choice.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-36 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-

1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 -

6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
1/21/2008

STEPHEN HONG
SUPERVISORY PATENT EXAMINER